

the several perils covered, or where the flood insurance coverage amount is over and above the limits of liability available to the insured under the Program.

#### Article XIV. Access to Books and Records

FEMA, the Department of Homeland Security, and the Comptroller General of the United States, or their duly authorized representatives, for the purpose of investigation, audit, and examination shall have access to any books, documents, papers and records of the Company that are pertinent to this Arrangement. The Company shall keep records that fully disclose all matters pertinent to this Arrangement, including premiums and claims paid or payable under policies issued pursuant to this Arrangement. Records of accounts and records relating to financial assistance shall be retained and available for three (3) years after final settlement of accounts, and to financial assistance, three (3) years after final adjustment of such claims. FEMA shall have access to policyholder and claim records at all times for purposes of the review, defense, examination, adjustment, or investigation of any claim under a flood insurance policy subject to this Arrangement.

#### Article XV. Compliance With Act and Regulations

This Arrangement and all policies of insurance issued pursuant thereto are subject to Federal law and regulations.

#### Article XVI. Relationship Between the Parties and the Insured

Inasmuch as the Federal Government is a guarantor hereunder, the primary relationship between the Company and the Federal Government is one of a fiduciary nature, that is, to assure that any taxpayer funds are accounted for and appropriately expended. The Company is a fiscal agent of the Federal Government, but is not a general agent of the Federal Government. The Company is solely responsible for its obligations to its insured under any policy issued pursuant hereto, such that the Federal Government is not a proper party to any lawsuit arising out of such policies.

**Authority:** 42 U.S.C. 4071, 4081; 44 CFR 62.23.

Dated: April 3, 2017.

#### Roy E. Wright,

*Deputy Associate Administrator for Insurance and Mitigation, Federal Emergency Management Agency.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2012-0012]

#### National Flood Insurance Program Nationwide Programmatic Environmental Impact Statement

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice of availability of a draft nationwide programmatic environmental impact statement and notice of public meetings.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) has prepared a draft nationwide programmatic environmental impact statement (NPEIS) evaluating the environmental impacts of proposed modifications to the National Flood Insurance Program (NFIP). This Draft NPEIS includes an evaluation of the potential impacts to the natural and human environment associated with the NFIP at a nationwide programmatic level, as well as an evaluation of impacts of alternative proposals to modify the NFIP. Public meetings and public outreach opportunities will be held during the comment period on the Draft NPEIS. The Draft NPEIS is available for download at [www.regulations.gov](http://www.regulations.gov) under Docket ID FEMA-2012-0012.

**DATES:** FEMA will conduct public meetings and webinars on the Draft NPEIS. For information on the dates, times, and locations for the public meetings or to register for an online webinar, visit <https://www.fema.gov/programmatic-environmental-impact-statement>.

The public comment period on the Draft NPEIS starts with a concurrent publication through the U.S. Environmental Protection Agency of a notice in the **Federal Register** and will continue until June 6, 2017. FEMA will consider all comments recorded at the public meetings and all electronic and written comments on the Draft NPEIS received or postmarked by June 6, 2017. Agencies, interested parties, and the public are invited to submit comments on this Draft NPEIS at any time during the public comment period.

**ADDRESSES:** FEMA will hold public meetings to allow the public an opportunity to learn more about the project and to provide comments on the Draft NPEIS. In addition to the public meetings, FEMA has organized a series of online webinars. Similar to the in-

person public meetings, during the webinars, FEMA will present information about the Draft NPEIS and accept comments on the Draft NPEIS. For information on the dates, times, and locations for the public meetings or to register for an online webinar, visit <https://www.fema.gov/programmatic-environmental-impact-statement>. You may submit comments, identified by Docket ID FEMA-2012-0012, using one of the following methods:

**Federal eRulemaking Portal:** <http://www.regulations.gov>. Search for Docket ID FEMA-2012-0012 and follow the instructions for submitting comments.

**Mail/Hand Delivery/Courier:** Regulatory Affairs Division, Office of Chief Counsel, Federal Emergency Management Agency, 8NE, 500 C St. SW., Washington, DC 20472.

**Instructions:** All submissions received must include the FEMA Docket ID. Regardless of the method used for submitting comments or materials, all submissions will be publically available, become part of the public record, and may be printed in the Final NPEIS. Therefore, submitting this information makes it public. All personally identifiable information, such as name or address, voluntarily submitted by the commenter may be publicly accessible.

**FOR FURTHER INFORMATION CONTACT:** For more information on the NPEIS, contact Bret Gates, FEMA, Federal Insurance and Mitigation Administration, Floodplain Management Division, 400 C Street SW., Washington, DC 20472, or via email at [Bret.Gates@fema.dhs.gov](mailto:Bret.Gates@fema.dhs.gov), or by phone at 202-646-2780.

**SUPPLEMENTARY INFORMATION:** Flooding has been, and continues to be, a serious risk in the United States. To address the need, in 1968, Congress established the NFIP as a Federal program to provide access to federally backed flood insurance protection. The NFIP is a voluntary Federal program through which property owners in participating communities can purchase Federal flood insurance as a protection against flood losses. In exchange, communities must enact local floodplain management regulations to reduce flood risk and flood-related damages. However, the power to regulate floodplain development, including requiring and approving permits, establishing permitting requirements, inspecting property, and citing violations, requires land use authority. The regulation of land use falls under the State's police powers, which the Constitution reserves to the States, and the States delegate this power down to their respective political subdivisions. FEMA has no direct

involvement in the administration of local floodplain management ordinances or in the permitting process for development in the floodplain.

In addition to providing flood insurance and reducing flood damages through floodplain management, the NFIP identifies and maps the nation's floodplains. Maps depicting flood hazard information are used to promote broad-based awareness of flood hazards, provide data for rating flood insurance policies, and determine the appropriate minimum floodplain management criteria for flood hazard areas.

On average, flooding continues to be the single greatest source of damage from natural hazards in the United States, causing about 82 deaths and \$8 billion in property damage annually. Today, more than 22,000 communities participate in the NFIP, with more than 5.1 million flood insurance policies in effect, providing over \$1.2 trillion in insurance coverage. The NFIP serves as the foundation for national efforts to reduce the loss of life and property from flood disaster. In 2011, former FEMA Administrator Craig Fugate reported to the Senate Committee on Banking, Housing, and Urban Affairs that implementation of the NFIP minimum floodplain management requirements is estimated to save the nation about \$1.7B annually through avoided flood losses.

The proposed modifications to the NFIP are needed to (a) implement the legislative requirements of the Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12) and the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA); and (b) to demonstrate compliance with the Endangered Species Act (ESA). As stated in the draft NPEIS the need to implement the legislative requirements of BW-12 and HFIAA arises from the recent concerns over the fiscal soundness of the NFIP.

This Draft NPEIS considers four alternatives and describes the potential environmental effects of each alternative. The four alternatives include:

- Alternative 1 (No Action)
- The No Action Alternative refers to the current implementation of the NFIP. The No Action Alternative is prescribed by Council on Environmental Quality regulations (40 CFR 1502.14(d)) and serves as a benchmark against which impacts of the alternatives can be evaluated.
- Alternative 2 (Legislatively Required Changes, Floodplain Management Criteria Guidance, and Letter of Map Change [LOMC] Clarification) (Preferred Alternative)
  - Phase out of subsidies on certain pre-FIRM properties (non-primary

residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.

- Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.

- Implement a monthly installment plan payment option for non-escrowed flood insurance policies.

- Clarify that pursuant to 44 CFR 60.3(a)(2), a community must obtain and maintain documentation of compliance with the appropriate Federal or State laws, including the ESA, as a condition of issuing floodplain development permits.

- Clarify that the issuing of certain LOMC requests (*i.e.*, map revisions) is contingent on the community, or the project proponent on the community's behalf, submitting documentation of compliance with the ESA.

- Alternative 3 (Legislatively Required Changes, Proposed ESA Regulatory Changes, and LOMC Clarification)

- Phase out of subsidies on certain pre-FIRM properties (non-primary residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.

- Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.

- Implement a monthly installment plan payment option for non-escrowed flood insurance policies.

- Establish a new ESA-related performance standard in the minimum floodplain management criteria at 44 CFR 60.3 that would require communities to obtain and maintain documentation that any adverse impacts caused by proposed development, including fill, to ESA-listed species and designated critical habitat will be mitigated to the maximum extent possible.

- Clarify that the exception to the no-rise performance standard in the floodway applies only to projects that serve a public purpose or result in the

restoration of the natural and beneficial functions of floodplains.

- Increase the probation surcharge applicable to NFIP communities placed on probation from \$50 to \$100.

- Clarify that the issuance of certain LOMC requests (*i.e.*, map revisions) is contingent on the community, or the project proponent on the community's behalf, submitting documentation of compliance with the ESA.

- Alternative 4 (Legislatively Required Changes, ESA Guidance, and LOMC Clarification)

- Phase out of subsidies on certain pre-FIRM properties (non-primary residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.

- Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.

- Implement a monthly installment plan payment option for non-escrowed flood insurance policies.

- Utilize the existing performance standard in 44 CFR 60.3(a)(2) to implement a new policy/procedure requiring communities to ensure that, for any floodplain development for which a floodplain development permit is sought, the impacts to ESA-listed species and designated critical habitat are identified and assessed and, if there are any potential adverse impacts to such species and habitat as a result of such development, that the community obtain and maintain documentation that the proposed floodplain development will be undertaken in compliance with the ESA.

- Clarify that the issuance of certain LOMC requests (*i.e.*, map revisions) is contingent on the community, or the project proponent on the community's behalf, submitting documentation of compliance with the ESA.

#### Public Involvement and Comments

During the public comment period, FEMA will host several in-person public meetings and online webinars to receive comments on the Draft NPEIS. Public meetings will include an overview presentation and an opportunity for the public to present oral comments or submit written comments on the Draft NPEIS. Meeting locations and times are listed under the project Web site <https://www.fema.gov/programmatic-environmental-impact-statement>.

Speakers will be asked to provide brief comments to allow adequate time to hear all comments. Should any speaker desire to provide further information for the record that cannot be presented within the designated time, such additional information may be submitted at the meeting, electronically, or by letter at the address provided on this notice by June 6, 2017. Speakers are encouraged to provide a written version of their oral comments at the in person meetings to ensure that their comments are completely and accurately recorded.

FEMA requests that reviewers provide specific information and comments on factual errors, missing information, or additional considerations that should be corrected or included in the Final NPEIS. Comments on the Draft NPEIS should be as specific as possible and address the adequacy of the NPEIS or the merits of the alternatives discussed (40 CFR 1503.3).

Individual respondents may request confidentiality. The names, street addresses, and city or town information of those providing comments will be part of the administrative record, and will be subject to public disclosure unless confidentiality is requested. Such a request must be stated prominently at the beginning of the comment. We will honor requests to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety, consistent with applicable law.

Comments submitted during this public comment period will be considered in preparation of a Final NPEIS and used by FEMA in its decision-making process for the Federal action. After gathering public comments, FEMA will review and provide responses in the Final NPEIS according to 40 CFR 1503.4. A Record of Decision addressing the Federal action will be issued by FEMA no sooner than 30 days following the distribution of the Final NPEIS.

**Authority:** 42 U.S.C. 4331 *et seq.*; 40 CFR part 1500; FEMA Instruction 108–1–1.

Dated: March 29, 2017.

**Robert Fenton,**

*Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.*

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**BILLING CODE 9111-A6-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA–2014–0022]

**Technical Mapping Advisory Council**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Committee Management; Request for Applicants for Appointment to the Federal Emergency Management Agency's Technical Mapping Advisory Council.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) is requesting qualified individuals interested in serving on the Technical Mapping Advisory Council (TMAC) to apply for appointment. As provided for in the *Biggert-Waters Flood Insurance Reform Act of 2012*, the TMAC makes recommendations to the FEMA Administrator on how to improve, in a cost-effective manner, the accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps (FIRMs) and risk data; and performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States. Applicants will be considered for appointment for the four vacancies on the TMAC.

**DATES:** Applications will be accepted until 11:59 p.m. EST on April 24, 2017.

**ADDRESSES:** Applications for membership should be submitted by one of the following methods:

- *Email:* FEMA-TMAC@fema.dhs.gov.
- *Mail:* FEMA, Federal Insurance and Mitigation Administration, Risk Management Directorate, Attn: Mark Crowell, 400 C Street SW., Suite 313, Washington, DC 20472–3020.

**FOR FURTHER INFORMATION CONTACT:** Mark Crowell (Designated Federal Officer for the TMAC); FEMA, Federal Insurance and Mitigation Administration, Risk Management Directorate, 400 C Street SW., Suite 313, Washington, DC 20472–3020; telephone: (202) 646–3432; and email: FEMA-TMAC@fema.dhs.gov. The TMAC Web site is: <http://www.fema.gov/TMAC>.

**SUPPLEMENTARY INFORMATION:** The TMAC is an advisory committee that was established by the *Biggert-Waters Flood Insurance Reform Act of 2012*, 42 U.S.C. 4101a, and in accordance with provisions of the *Federal Advisory Committee Act (FACA)*, 5 U.S.C. App. (Pub. L. 92–463). The TMAC is required to make recommendations to FEMA on mapping-related issues and activities.

This includes mapping standards and guidelines, performance metrics and milestones, map maintenance, interagency and intergovernmental coordination, map accuracy, funding strategies, and other mapping-related issues and activities. In addition, the TMAC is required to submit an annual report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

Members of the TMAC will be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using FIRMs. To the maximum extent practicable, FEMA will ensure that membership of the TMAC has a balance of Federal, State, local, Tribal, and private members, and includes geographic diversity.

FEMA is requesting qualified individuals who are interested in serving on the TMAC to apply for appointment. Applicants will be considered for appointment for four vacancies on the TMAC, the terms of which start on October 1, 2017. Certain members of the TMAC, as described below, will be appointed to serve as Special Government Employees (SGE) as defined in section 202(a) of title 18 United States Code. Candidates selected for appointment as SGEs are required to complete a Confidential Financial Disclosure Form (Office of Government Ethics (OGE) Form 450). This form can be obtained by visiting the Web site of the Office of Government Ethics (<http://www.oge.gov>). Please do not submit this form with your application. Qualified applicants will be considered for one or more of the following membership categories with vacancies:

a. One representative of a State government agency that has entered into a cooperating technical partnership with the FEMA Administrator and has demonstrated the capability to produce FIRMs;

b. One member (SGE) of a recognized professional association or organization representing flood hazard determination firms; and

c. One representative of a recognized professional association or organization representing State geographic information.

Members of the TMAC serve terms of office for two years. There is no